

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

July 22, 2021
9:30 a.m.

Gotowebinar.com
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Jay Swart, Vice Chairman
Mr. Kevin Danzeisen
Mr. Matt Gress
Mr. Erik Hernandez
Mr. Jimmy Lindblom
Ms. Kate McGee
Ms. Francisca Montoya
Mr. Lucas Schlosser

MEMBERS ABSENT:

Mr. Greg Arnett, Chairman

STAFF PRESENT:

Mr. Tom Ellsworth, Planning and Development Director
Mr. Darren Gérard, Planning Services Manager
Mr. Ray Banker, Senior Planner
Mr. Jose Castañeda, Planner

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Erin Novotny, Management Assistant

CONTINUANCE:

TA2018001

CONSENT:

Z2020082, Z2021009, Z2021056

REGULAR:

Z2021072, Z2019034

Vice Chairman Swart was acting Chairman.

Chairman Swart made the standard announcements, and asked if there were any changes or comments to the minutes for June 17. None.

COMMISSION ACTION: Chairman Swart approved the June 17, 2021 minutes as written.

Mr. Gerard said Item #5 – Z2021072 is being moved from the consent agenda to the regular agenda for discussion.

CONTINUANCE AGENDA

Text Amendment - TA2018001

All Districts

Applicant: Joseph White, Becker Boards Small, LLC
Maricopa County Planning and Zoning Commission Minutes
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Request: Text Amendment – Off-Site Advertising Signs (Billboards)

No action required by the commission.

CONSENT AGENDA

Zoning - Z2020082

District 1

Project name: **Circle K Store**
Applicant: Land Development Consultants
Request: Zone Change with Overlay from C-3, R1-35 and R1-35 RUPD to C-3 CUPD with a Plan of Development (POD) for a new Circle K convenience store and gas station
Location: Generally located at the SEC of Power Rd. & Riggs Rd. in the Queen Creek area

Special Use Permit - Z2021009

District 5

Project name: **AZ-01-115 Rush Hour PHO-SOU**
Applicant: Dino Pergola, Pinnacle Consulting
Request: Special Use Permit (SUP) for a 75' monopole wireless communications facility in the Rural-43 zoning district
Location: Generally located 880' west of the SWC of Monterey Rd. and 43rd Ave. in the Laveen area

Zoning - Z2021056

District 4

Project name: **Zanjero Trails Parcel 30**
Applicant: Stephen Anderson, Gammage & Burnham, PLC
Request: Zone Change with Overlay from Rural-43 RUPD PAD to R1-6 RUPD PAD
Location: Approximately 1,100 ft. west of the SWC of Glendale Avenue and Perryville Road., in the Buckeye area.

Mr. Gerard presented the consent agenda.

COMMISSION ACTION: Commissioner Gress motioned to approve the consent agenda. Z2020082 with conditions 'a'-'j', Z2021009 with conditions 'a'-'j', and Z2021056 with conditions 'a'-'i'. Commissioner Schlosser second. Approved 8-0.

Z2020082 conditions;

- a. Development of the site shall be in substantial conformance with the Narrative Report entitled "Project Narrative", consisting of 7 pages, dated June 16, 2021, and stamped received June 16, 2021 except as modified by the following conditions.
- b. The following Planning Engineering conditions shall apply:
 - a. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design

shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.

- b. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
 - c. Detailed Grading and Drainage (Infrastructure) Plans and Drainage Report must be submitted with the application for Building Permits.
 - d. The subject premises are located within the County's Urbanized Area and will disturb more than one (1) acre. A Storm Water Pollution Prevention Permit (SWPPP), issued by the County (PND), will be required prior to issuance of any building permits required for site development. All BMP details must be shown on the plan.
 - e. 65 ft. half width right-of-way dedication required for Power Road before the Building Permit can be issued.
- c. Prior to issuance of building permits for the project, the owner/applicant shall apply to abandon a portion of the County drainage easement that encumbers the property, or remove improvements contained therein (i.e. retention). The drainage easement shall be reduced to provide a minimum clear zone 10 feet south measured from the top of the channel bank. The existing top of bank must be surveyed to process the abandonment. The applicant is directed to coordinate the easement abandonment with the Maricopa County Real Estate Department.
- d. The following C-3 CUPD Zoning District standards shall apply:
- 1. Min. Side Yard – 20' abutting a residential zoning boundary
 - 2. Min. Rear Yard – 20' abutting a residential zoning boundary
 - 3. Landscaping – A 5' landscaping strip is required along road frontages including drought-tolerant flora. One 12' freestanding sign shall be permitted in the landscaping strip along Power Road. Landscaping in any drainage easement shall not obstruct stormwater flow. The 20' rear setback shall include drought-tolerant flora
 - 4. Sight Visibility Triangles - Waiver of four required sight visibility triangles including all four required sight visibility triangles on Power Road, one sight visibility triangle at the corner of Power and Riggs and one sight visibility triangle on at the western access point on Riggs Road. All other required sight visibility triangles are required, and driveways and parking are not permitted in the remaining required triangles

5. Sign Height – In the C-3 CUPD zoning district only one monument sign shall be permitted with a maximum height of 20'. One additional monument shall be permitted with a maximum height of 12'. All additional signs in the C-3 CUPD zoning district shall have a maximum height no greater than 10'.
 6. Service Station Signs – May be freestanding, monument or pole type and may identify current price(s) of fuel sold, car wash service prices or any promotional material in connection with the convenience store and gas station use
- e. Adult-oriented business, medical marijuana establishments and marijuana establishments shall be prohibited within the C-3 CUPD zoning district.
 - f. A fire suppression system shall be installed in the fuel canopy if recommended by the fire provider at the time of construction permitting.
 - g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
 - h. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
 - i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Zone Change, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Zone Change, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
 - j. Contingent upon C-3 CUPD zoning approval, plan(s) of development may be administratively approved. The initial Plan of Development shall be developed in substantial conformance with the Site Plan entitled "Circle K Store #", consisting of 18 full-size sheets, dated June 22, 2021, and stamped received June 22, 2021, except that a revised site plan shall be submitted within 30 days of Board approval that reflects abandonment of the drainage easement stipulated in condition 'd'. No additional Plans of

Development amendments shall be approved until the portion of the County drainage easement specified in condition 'c' is abandoned.

Z2021009 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "AZ01-115 Rush Hour/ PHO South Mountain", consisting of three (3) full-size sheets, dated May 19, 2021, and stamped received June 6, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "AZ01-115 Rush Hour", consisting of eight (8) pages, dated June 1, 2021, and stamped received June 6, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. Submittal for the Building permit shall require a Site Plan;
 2. Plans submitted for building permit shall depict every other block at the bottom of the CMU masonry wall turned on its side to create drainage openings;
 3. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- d. The maximum height of the monopole of the Wireless Communication Facility shall be limited to 75-feet, unless qualifying as an Eligible Facilities Request for co-location under federal rules.
- e. The monopole, antennas, equipment, and enclosure wall of the Wireless Communications Facility shall be painted a tan color to match the surrounding area.
- f. A Minor Amendment shall be required to co-locate future carriers on the Wireless Communication Facility.
- g. The following Rural-43 zoning district and Wireless Communications Facility development standards shall apply:
 - a. A two (2) foot setback for the WCF wall enclosure and fifteen (15) foot setback to the monopole from the southwest property line adjacent to South Mountain Freeway frontage.

- h. This Special Use Permit is valid for a period of 20 years and shall expire on August 18, 2041 or upon termination of the use for a period of 90 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 90 days of such expiration or termination of use.
- i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- j. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Z2021056 conditions;

- a. Development of the site shall be in substantial conformance with the applicable conditions of approval associated with Z2016072, approved by the Board of Supervisors on February 15, 2017, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Zanjero Trails – Parcels 29 – 32", consisting of 1 full-size sheet, stamped received June 10, 2021, except as modified by the following conditions.
- c. Development of the site shall be in substantial conformance with the Narrative Report entitled "Windrose at Zanjero Trails Rezone of Former Park Site", consisting of 17 pages, dated June 4, 2021 and stamped received June 10, 2021, except as modified by the following conditions.
- d. The following Planning Engineering conditions shall apply:
 - 1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not

limited to drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.

2. A traffic impact study must be submitted with any future entitlement application (i.e. preliminary plat, plan of development or building permit).
 3. Dedication of right-of-way for Glendale Ave. and/or Perryville Road may be required as part of future entitlement application(s).
 4. If required for site development, the CLOMR application must be submitted to the Flood Control District prior to or concurrent with any future entitlement application.
 5. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- e. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
1. It should be noted that this document does not approve the referenced project. Comments are provided only as advisory to Maricopa County Planning and Development Department to assist staff to prepare a staff report. Other Maricopa County agencies may have additional requirements. Final review and approval will be made through Planning and Development Department procedures. Applicant may need to submit separate applications to the Maricopa County Environmental Services Department for approval of proposed facilities regulated by the Department. Review of any such application will be based on regulations in force at the time of application.
- f. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- g. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- h. The following R1-6 RUPD PAD standards shall apply:
 - 1. Front Setback: 20 ft. (10 ft. for side-entry garages and forward living spaces)
 - 2. Rear yard: 15 ft.
 - 3. Average Lot Area per Dwelling Unit: 6,000 sq. ft.
 - 4. Lot Width: 53 ft.
 - 5. Maximum Privacy Wall Height: 6 ft. privacy wall with maximum 7 ft. column above a maximum 3 ft. retaining wall.
 - 6. Maximum Height of Subdivision Monument: 10 ft. Primary / 6 ft. 8 inches Secondary
 - 7. Maximum Subdivision Sign Area: 70 sq. ft. Primary / 24 sq. ft. Secondary
- i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- j. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert

to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- I. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the applicable Fire District servicing the project. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.

REGULAR AGENDA

Zoning - Z2021072

District 4

Project name:	Azure Canyon Modification of Condition
Applicant:	Ashley Z. Marsh, Gammage & Burnham
Request:	Modification to Condition 'd' of Z2012097 regarding the Average Lot Area Per Dwelling Unit
Location:	Generally located on the NEC of Perryville Rd. and Camelback Rd. in the Glendale area

Mr. Castañeda presented Z2021072 and noted the applicant is proposing an amendment to the R1-10 RUPD development standard for the average lot per dwelling unit. Modifying it from 12,500 sq. ft. per dwelling unit to 12,000 sq. ft. per dwelling unit. There are no violations on the property and staff received one letter of opposition from a resident located within 300 feet of the site. The opposition was opposed to any of the development standards being changed. The modification is more than the base R1-10 requirement of 10,000 square foot average lot area per dwelling unit, and the modification does not reduce the size of any individual lots within the subdivision. The modification is due to the final phase of the project parcel 3 not meeting the R1-10 RUPD as an individual parcel. We accounted for the entire R1-10 RUPD area which includes parcels 1, 2, and 3. Staff believes the proposed modification does not present a significant change to the development standards or character of the Azure Canyon, formerly known and Russell Ranch South. The subdivision provides approximately 23 percent of open space where 20 percent was the minimum required and limited to 333 dwelling units. Staff recommends approval of this case.

Ms. Ashley Marsh with Gammage and Burnham said the parcel is 136 acres located west of the 303. It was originally zoned as Russell Ranch South by the previous landowner in

2014. That landowner was not a builder or developer and later sold the project. This is one project with two zoning districts - R1-18 and R1-10 with 333 dwelling units to operate a single subdivision. The new home builder took the conceptual site plan and made it better by improving the layout and functionality of the site, which matches product demands in today's market. They are here for the redistribution where they took the average lot area per dwelling unit which is the total area of lots and open spaces, excluding all public and private streets, divided by the total number of lots. This is just for the R1-10 area. The total lot square footage and the total open space doesn't change at all. The only thing that changes is the denominator. You take those 12 lots from the R1-18 area and put them in the R1-10 area. Nothing changes in terms of density or lot sizes, it is just a redistribution of lots from one area to another.

Mr. Howard Thorpe said he has lived in Russell Ranch since 2002, and he was also opposed the rezoning of Russell Ranch South in 2014. He has concerns with the modification of stipulation. He lives across the street from the Azure Canyon development and most day's dirt blows into his house, his garage and in his pool. He is concerned the stipulation change to R1-10 may be used to modify the R1-18 lots near Russell Ranch. This change should constitute a replatting or another modification stipulation where the average lot size would be different than what is currently proposed. The developer or attorney or the engineer firm should correct the average lot area, and should cease until the platting is completed. He asked who is to blame for the miscalculation and what fees are they paying for this modification. Is there an environmental impact study that needs to be required?

Ms. Marsh said the R1-18 area has been final platted and recorded already, and they are not anticipating changes to that area. As a stipulation modification, the applicant did have to pay county fees to process the change. They improved the site plan significantly and cut off access on 181st from two entry points to one. They are not changing the lot sizes or the density, this is just a change of the average lot area.

Commissioner Schlosser said he appreciates Mr. Thorpe's comments, but to stop construction is an unreasonable request. He is in support of this minor technical discrepancy.

COMMISSION ACTION: Commissioner Schlosser motioned to approve Z20210721 with conditions 'a'-y'. Commissioner Hernandez second. Approved 7-0.

- a. Development of the site shall comply with the Zoning Exhibit entitled "Russell Ranch South RUPD Case No. Z2012097", consisting of one full-size sheet, dated September 4, 2014, and stamped received September 15, 2014, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Russell Ranch South Residential Unit Plan of Development (RUPD)", consisting of 80 pages, dated September 11, 2014, and stamped received September 15, 2014, except as modified by the following conditions.
- c. The zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS §11-814. Construction shall commence within five (5)

years from Board of Supervisors approval. The developer of the property shall submit to the Department a certified statement of compliance prior to the expiration of any time limits imposed by the Board. If the certified statement of compliance is not filed or the Development independently determines that the property has not been improved for the use for which it was conditionally approved, a public hearing shall be set before the Commission. The findings and recommendation of the Commission shall be forwarded to the Board of Supervisors for public hearing to determine compliance with the schedule of development, grant an extension, or cause the property to revert to its former zoning classification. Notification by registered mail of both the Commission hearing and the Board hearing shall be sent to the owner and applicant who requested the rezoning. Notice of public hearing shall be as set forth in Chapter 3, Section 304., Article 304.2.

d. The following R1-10 RUPD standards shall apply (see RUPD table within narrative report for footnotes):

1. Front Yard: 20' front loaded garage or 10' side loaded or livable area of dwelling unit
2. Side Yard: 5'
3. Rear Yard: 20'
4. Lot Area: 6,875 sq. ft.
5. Lot Width: 55'
6. Average Lot Area per Dwelling Unit: 12,000 sq. ft.
7. Lot Coverage: 55%
8. Accessory Buildings – Distance to Side Street on Corner Lots: 10'

e. The following R1-18 RUPD standards shall apply (See RUPD table within narrative report for footnotes):

1. Front Yard: 20' front loaded garage or 10' side loaded or livable area of dwelling unit
2. Side Yard: 5'
3. Street Side Yard: 10'
4. Rear Yard: 20'
5. Lot Area: 13,500 sq. ft.
6. Lot Width: 100'
7. Lot Coverage: 55%
8. Accessory Buildings – Distance to Side Street on Corner Lots: 10'

f. The following Maricopa County Department of Transportation (MCDOT) conditions shall apply:

1. The applicant shall provide a total half-width of right-of-way for the following roadway:

Camelback Road	65 feet
Perryville Road	65 feet

181st Avenue
181st Avenue

30 feet for west side
Minimum 18 feet east side of the
Monument line (8' for additional
pavement to make two lanes/two way
road and 10' for clear zone distance)

All such dedications shall be in fee and free of all liens and encumbrances. Prior to acceptance of such dedication, the applicant shall provide the County an owner's title insurance policy issued to the County, the MCDOT environmental checklist and any and all other requirements as set forth in the "MCDOT Right-of-Way Dedications Reference Guide". Until Maricopa County has accepted said dedication, all responsibilities, including but not limited to maintenance and repair for the property to be dedicated shall be that of the applicant.

Right-of-Way dedication shall occur within six (6) months of approval of this request by the Board of Supervisors and prior to zoning clearance.

2. Provide access easement for portions of box culvert structures that's outside of the right-of-way limits for MCDOT inspection purposes.
3. Roadway reviews of planning and/or zoning cases are for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with current MCDOT Design Standard.
4. Based upon the conceptual design nature of the preliminary plat plans submitted, changes to the site layout and /or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
5. All interior streets within the proposed development are to be constructed to minimum County standards.

g. The following Drainage Review conditions shall apply:

1. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.

3. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- h. The following Flood Control District (FCD) conditions shall apply:
 1. A Floodplain Use Permit must be obtained from the Floodplain Management and Services Division of the Flood Control District.
 2. Approval of the Conditional Letter of Map Revision by the Federal Emergency Management Agency (FEMA) will be required prior to Flood Control District recommending approval of the Final Plat.
 - j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
 - k. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
 - l. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
 - m. Prior to Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire District, Department or Company servicing the site.
 - n. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
 - o. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
 - p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for action in accordance with Chapter 3 (Conditional Zoning).
 - q. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and

Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

- r. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- s. There shall be no two (2) story homes along the lots directly adjacent to the existing platted lots along the southern boundary of the Savannah subdivision.
- t. There shall be no roadway extension from the existing 182nd Avenue into the proposed project.
- u. The applicant shall work with the Maricopa County Department of Transportation to determine if traffic calming features can be incorporated in the development of the design of 181st Avenue adjacent to the project. The design and approval shall occur at the approval of the preliminary plat.
- v. The applicant shall work with the Maricopa County Drainage staff to determine if a restrictive gate, drainage feature can be installed at the south end of the Savannah open space in order to prevent residents from traversing the drainage area into the Savannah open space.
- w. There shall be no view fences along the back yards of the lots facing west towards the Savannah subdivision.
- x. The applicant shall determine if at the time of preliminary plat submittal if an alternative placement of the southernmost roadway access to 181st Avenue can be relocated so as not to directly line up with W. Medlock Drive.
- y. There shall be no two (2) story homes directly adjacent to platted lots within Russell Ranch.

Special Use Permit - Z2019034 (Cont. from 4/22/21)

District 4

Project name: **Rancho Ochoa**
Applicant: Manuel A. Inurriaga P.E., M&M Civil Engineering
Request: Special Use Permit (SUP) Major Amendment for an existing event site within the Rural-43 zoning district
Location: Generally located approx. 350' east of the NEC of Broadway Rd. and 67th Ave. in the Estrella area.

Commissioner Schlosser recused himself from this case due to a conflict of interest and left the hearing.

Mr. Banker presented Z2019034 and noted this case was continued from the April 22, 2021 hearing to allow the applicant time to meet with the community and address concerns. The proposed SUP area would include the entire acreage of two contiguous parcels which is 10 acres after the additional 15 feet of right-of-way off of Broadway Road required by MCDOT. The north of the property will include additional parking and a banquet hall building to be added in the northwest corner of the site. This property is zoned Rural-43 with other rural properties surrounding the site. They are proposing to increase the parking to 584 spaces compared to the current 224 spaces. They are also adding a 17,000 square foot banquet hall building, and an extension of the SUP entitlement for an additional 20 years where the original SUP was for only 10 years. The current entitlement is set to expire early next year. They are proposing an increase of occupancy of 1,600 persons for the banquet hall and a maximum of 800 for all other types of events. They are currently approved for 250 occupancy depending on the day of week and time of year, and the hours of operations would be increased to 2 a.m. The current SUP restrictions only allow the site to be open until 10 p.m. depending on the day of the week. The facility will be closed Mondays and Tuesdays and limited to 22 events per year. Currently allowed 21 events. The banquet hall building will still maintain the Rural-43 zoning minimum setbacks of 30 feet from the side yard to the east property line and 40 feet front from the southern property line. The site will include a six foot high wall for screening. There is an additional seven support documents received and one opposition document with a total of eight documents in support and three in opposition. The letters of support say Mr. Ochoa is a man of exemplary behavior and these events brings the Latino cultural to the community. The opposition has concerns with traffic, dust and loud music, and not adhering to the SUP restrictions. The applicant went above the minimum public participation requirements. They hosted a meeting back in June 2020 and a second meeting held July 14, 2021, and Commissioner Montoya was the only one in attendance at this meeting where they discussed traffic, security and noise. Staff understands the concerns with the opposition, and noted this site has been in use for years. There will be an additional driveway added to the site east of the existing to help with ingress/egress and also be a conditioned right turn deceleration lane as required by MCDOT after they reviewed the traffic statement. Loud music, speakers and bands to be shut off by 11 p.m. on Saturday and 8 p.m. on Sundays, and would be prohibited other hours of the day and other hours of operation for the site. Staff agrees with the City of Phoenix recommendation that no noise, odor or vibration shall be omitted from the new banquet hall building. Staff recommends approval with conditions 'a'-'dd'.

Commissioner McGee asked staff to clarify the maximum number of vehicles and the maximum number of individuals. Mr. Banker said 1,600 occupants for the banquet hall, and maximum 800 for all other events. It also varies per day – 150 on Fridays, 250 on Saturdays, and 100 on Sundays. During the summer months, June, July and August they'll have a maximum of 100 on Saturdays and 75 on Sundays. This is listed in condition 'd' in the staff report.

Commissioner Gress asked was the existing SUP for 10 years. Mr. Banker said correct, it expires January 2022.

Commissioner Gress asked with the existing SUP did they originally ask for 10 or 20 years. Mr. Gerard said there was neighborhood opposition at that time and the limited

timeframe was applied to show they could be a good neighbor and progress with their plans before seeking additional time.

Commissioner Gress asked about the multiple violations on the property regarding the noise, and presence of alcohol, and does staff have any additional perspective with those concerns whether this applicant has been a good neighbor to the community and does it warrant a longer timeframe of 20 years with the expansion of this 17,000 square foot banquet facility? Mr. Gerard said they have been very responsive with the complaints and the ones that were invalid were closed. A lot of the original opposition has been alleviated. There is some opposition but it's not at the level it originally was. Staff's recommendation is for approval.

Commissioner Gress asked how many of the letters of support and opposition were from the neighbors. Mr. Banker said the immediate neighbor on Broadway Road to the east is in opposition and she spoke at the last hearing. He is uncertain if the ones in support were within the neighborhood.

Commissioner McGee asked to show where the letters of opposition are coming from in relationship to location of the property itself. Mr. Banker said the only one is the neighbor to the east and the others are not shown on the vicinity map. With some City of Phoenix subdivisions to the west and east is where some of this opposition has derived from.

Chairman Swart asked are those in support adjacent neighbors? Mr. Banker said no they are from other areas, but the applicant could speak to that.

Commissioner Gress asked if Commissioner Montoya was going to share her perspective from that neighborhood meeting. Commissioner Montoya said yes she will after the presentation from the applicant.

Mr. Mario Diaz said he speaking on behalf of the applicant, and the the civil engineer, Mr. Manuel Inurriaga is also available to answer any technical questions. He wanted to give some background of Mr. Jose Ochoa. He comes from Mexico and was a field worker and then became a U.S. Department of Defense contractor. He also owns several business across the country. He is certified at the highest level of security and also ventured into the cultural aspect of business starting with Rancho Ochoa. Rancho Ochoa is an incubator for cultural understanding of the Mexican & Mexican-American cowboy and cowgirl experience. Mr. Ochoa partners with the schools nearby and the community to educate the children to keep the tradition alive. He also opened his doors to the community for a COVID-19 vaccination site plus other religious organizations host seminars there. Those in support of this SUP was a former County Supervisor, Mary Rose Wilcox, Rebecca Rios, Arizona State Senator representing this area, Mary Rabago has done many community events at the facility, and the former Arizona Hispanic Chamber of Commerce president, Gonzalo de la Melena, Jr. They sent invitations out to all the neighbors for a meeting on July 14., and he spoke to the block watch president of the Sienna Vista neighborhood located behind the Ochoa's where he pleaded they come to the open house. She did not attend but he did answer questions regarding some of her concerns about security and traffic. The only one that attended was Commissioner Montoya. From the very beginning of the ranch, Mr. Ochoa has hired off-duty Maricopa

County Sheriff deputies to direct and control traffic and off-duty City of Phoenix firefighter/paramedics to be on site. Mr. Diaz said this isn't a drinking beer festival, this is a cultural attraction that has been operating for 10 years with very few complaints and any concerns have been taken care of. At the new facility it will be very unlikely to have 1,600 people every night, only for special event. There is going to be a freeway across the street from this facility, and any external noise will be shut off at 11 p.m. and internal events off at 2 a.m.

Commissioner Montoya said she did attend the meeting and she was the only person that showed up. There were eight individuals in attendance that were representing the business. Her concerns were the hours of operation, noise, increase in traffic and the increase in occupancy. They did present the overall vision of Rancho Ochoa and how they plan to expand and professionalize the work they are doing with the rodeo and banquet hall. She did ask a lot of questions and they did respond to her concerns. She still has some concerns as she lives not too far from this location and frequents Broadway Road. She has seen the issues with the traffic in the evening during events. Mr. Ochoa has a very good vision on how he wants to grow his business and she supports him in his overall vision. He is committed to ensure as they grow they take into account they have immediate neighbors and their rights should be respected.

Commissioner Danzeisen said he appreciates her attendance at the meeting where he was unable to attend. He is in support of this application.

Commissioner McGee said she supports the cause and the cultural aspect, but with this expansion of parking and occupancy doesn't fit. It barely fits to what goes on now and they are proposing to expand it. This use would be better in another site as his vision continues to grow. She is opposed to this proposed use.

Commissioner Gress asked is the 20 years warranted or another 10 year trial period is needed? Commissioner Montoya said there are mechanisms in place to submit complaints and work with the county so that business owners are complying with their SUP requirements. Commissioner Danzeisen said he appreciates this case being continued from the previous hearing. He has more clarification now and is more comfortable with this SUP request then he did before.

Chairman Swart said previously he clearly asked for clarification with the operational plan. The security response given was vague. He wanted to know how many will be on duty and where they are going to be positioned. Also clarification about the traffic, internally and externally to where they will be directing the traffic. Mr. Diaz said he was unaware he wanted an operational plan. If he was aware he could have hired a security consultant to lay out the entire plan. There is security on the premises directing traffic in and out. We haven't had any issues in the 10 years of operating, and this is a very responsible applicant.

COMMISSION ACTION: Commissioner Montoya motioned to approve Z2019034 with conditions 'a'-'dd'. Commissioner Danzeisen second. Approved 5-2.

- a. Development of the site shall comply with the Site Plan entitled "Rancho Ochoa SUP" consisting of one sheet, dated stamped received on March 2, 2021, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Revised SUP Z2019034 Narrative for Rancho Ochoa and Rodeo Grounds", consisting of 12 pages including attachments, dated stamped received on March 23, 2021, except as modified by the following conditions.
- c. This Special Use Permit shall expire 20-years from the date of approval by the Board of Supervisors or upon termination of the use, whichever occurs first.
- d. Upon approval of this amendment and prior to permit approvals for new structures, the two subject parcels must be combined. All unpermitted structures must obtain permits.
- e. The number of events shall not exceed 22 per year.
- f. The maximum number of occupants at the facility shall be 1,600 for the banquet hall. This hall can be scheduled any day that the facility is open, but there shall be no same day conflicts with other events. Otherwise, there shall be a maximum occupancy of 800 for all other events – refer to schedule within narrative.
- g. Opening hours for the facility shall be Wednesday, Thursday and Friday training from 5:00 p.m. - 9:00 p.m. and banquet hall from 4:00 p.m. - 1:00 a.m., Saturday rodeo from 10:00 a.m. - 11:00 p.m. and banquet hall from 4:00 p.m. - 2:00 a.m., and Sunday rodeo from 10:00 a.m. - 8:00 p.m. and banquet hall from 4:00 p.m. - 2:00 a.m. Training consisting of a maximum of 25 riders. The facility shall be closed on Mondays and Tuesdays.
- h. Outdoor loudspeakers, music, and live bands shall be shut off by 11:00 p.m. on Saturdays and 8:00 p.m. on Sundays. These are otherwise prohibited during other days/hours of operation.
- i. There shall be no noise, odor or vibration emitted from the new banquet hall building as measured from the property boundaries.
- j. Security and traffic control shall be provided by certified off-duty police officers for every weekend event.
- k. An Emergency access route shall be available for each event. This route shall not be utilized for secondary access; but only for emergency purposes. Any easement created shall not in turn create compliance issues with regard to development standards for underlying parcels.

- l. Fireworks shall be prohibited.
- m. Food permits and liquor license shall be obtained prior to each event as appropriate.
- n. Temporary toilets shall be removed and/or cleaned no later than the next business day following their use at an event.
- o. All refuse and animal waste shall be stored within odor-proof closed containers and disposed of no later than the next business day following their use at an event.
- p. Parking shall be accommodated within the Special Use Permit area within the designated parking spaces. Off-site parking is prohibited. There shall be a minimum of 584 spaces – 535 regular, 29 handicap, and 20 trailer. Handicap parking must be paved.
- q. All landscaping shall be installed prior to commencement of the use. All landscaping shall be maintained and replaced as necessary to maintain the integrity of the proposal for the life of the Special Use Permit.
- r. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet for commercial projects.
- s. The following Maricopa County Engineering conditions shall apply:
 - 1. A right-turn deceleration lane with a minimum of 160 ft of storage must be provided at the proposed eastern full access.
 - 2. With submittal for building permit, retention for added parking areas must be shown. This can be 6" deep throughout the area as shown on the grading & drainage plans for the grass parking area.
 - 3. MCDOT R/W permit for the driveway will be processed through planning & development. The R/W permit application can be submitted with the building application or provided later as part of the review process if desired.
 - 4. The Applicant shall provide a total half-width of 55 feet of right-of-way along Broadway Road:
All such dedications shall be in fee and free of all liens and encumbrances. Prior to acceptance of such dedication, the applicant shall provide the County an owner's title insurance policy issued to the County, the MCDOT environmental checklist and any and all other requirements as set forth in the "MCDOT Right-Of-Way

Dedications Reference Guide." Until Maricopa County has accepted said dedication, all responsibilities, including but not limited to maintenance and repair for the property to be dedicated shall be that of the applicant.

Right-of-way dedication shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.

5. The Applicant shall bond for ultimate (half-width) improvements on Broadway Road, including pavement, gutter, curb and sidewalk, all in accordance with MCDOT rules, regulations and standards, prior to zoning clearance or as deemed appropriate by the Maricopa County Department of Transportation (MCDOT). The Applicant shall comply with MCDOT process, including posting an assurance in an amount and form acceptable to Maricopa County to guarantee construction of the required street improvement(s).

In the event the ultimate (half-width) improvements has not been required and the assurance has not been called by the date that is five years from the date of the posting of the assurance, then and in such event, the assurance shall be released and the applicant shall have no further obligation pursuant to this stipulation.

6. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
7. Engineering review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
8. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for approval and acquisition of building permits.

- t. The following Maricopa County Environmental Services Department (MCESD) stipulations shall apply:

1. All food vendors offering food sales at these events must be properly permitted by MCESD.

2. Potable water for the teams and fans must be provided from the City of Phoenix Water System.
- u. The following Maricopa County Stormwater Quality Program (MCSQP) stipulations shall apply:
 1. Development and engineering design shall be in conformance with the Maricopa County Drainage Regulation. If Arizona Pollutant Discharge Elimination System (AZPDES) Construction General Permit coverage is required, the owner or operator must comply with AZPDES requirements and submit a Notice of Intent (NOI) acknowledgement form from Arizona Department of Environmental Quality (ADEQ) to the Maricopa County Stormwater Quality Program.
 - v. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance. All facility lighting shall be completed turned off, except for security light, at the closing hours of the facility.
 - w. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations. Prior to commencement of events and training, the owner shall obtain any necessary permits from Air Quality.
 - x. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
 - y. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
 - z. The applicant shall submit a written report outlining the status of the development every 5-years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
 - aa. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.

- bb. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- cc. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- dd. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval is temporary and allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions and stipulations. In the event of the failure to comply with any condition or stipulation, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions or stipulations, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Chairman Swart adjourned the meeting at 10:43 a.m.

Prepared by Rosalie Pinney
Recording Secretary
July 22, 2021